



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

DENNIS ROBERT BRADY, §  
Petitioner, §  
§  
vs. § Civil Action No. 4:19-cv-989-MGL  
§  
ACTING WARDEN W. VEREEN, §  
Respondent. §  
§

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ORDER ADOPTING REPORT AND RECOMMENDATION  
AND GRANTING RESPONDENT'S MOTION TO DISMISS

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Petitioner Dennis Robert Brady (Brady), proceeding pro se, filed this matter as a petition for writ of habeas corpus (petition) under 28 U.S.C. § 2241. This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Respondent Warden W. Vereen's (Vereen) motion to dismiss be granted because Brady failed to respond to the Magistrate Judge's *Roseboro* order. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976).

After Vereen filed a motion to dismiss on May 30, 2019, this Court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Brady of the importance of the motion and of the need for him to file an adequate response by July 5, 2019. ECF No. 14.

Brady failed to respond. On August 7, 2019, the Magistrate Judge filed the Report recommending this Court grant Vereen's motion to dismiss. ECF No. 18. Brady failed to file any objection to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Vereen's motion to dismiss is **GRANTED**.

To the extent Brady requests a certificate of appealability from this Court, that certificate is **DENIED**.

**IT IS SO ORDERED.**

Signed this 5th day of September, 2019, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.